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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,244	06/24/2003	Junichi Ujii	848075/0048	5659

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SCHULTE ROTH & ZABEL LLP
919 Third Avenue
New York, NY 10022

EXAMINER

LU, ZHIYU

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,244

Applicant(s)

UJII, JUNICHI

Examiner

Zhiyu Lu

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/09/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 6-9, 11-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126).

Regarding claim 1, Ozaki teaches an announcement method for a portable terminal (image-capturing device) comprising an image-capture section, the method comprising outputting a predetermined announcement sound when trying to take a picture (abstract, paragraph 0004).

But, Ozaki does not expressly disclose having another mode besides camera mode.

Homma et al. teach a portable terminal having both communication mode and camera mode that provides camera state detection and voice announcement (column 2 lines 46-57), which would

have been obvious to one of ordinary skill in the art to incorporate the method of Ozaki into the portable terminal of Homma et al. in correspondence to camera state detection, in order protect the privacy of others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement method of Ozaki into the portable terminal of Homma et al., in order to notify surroundings for operating camera mode and prevent privacy from being infringed.

Regarding claim 7, Ozaki and Homma et al. teach an announcement method for an image-capturing device as explained in response to claim 1 above, where Homma et al. teach shooting state detection of half-pressed button (column 7 lines 49-60), which would have been obvious to one of ordinary skill in the art to embed announcement therein to prevent privacy from being infringed before taking a shoot.

Regarding claim 9, Ozaki teaches a portable terminal comprising:

- an image-capturing section (3 of Fig. 1);

- a sounding body (6 of Fig. 1); and

- a control section which outputs a predetermined announcement sound from the sounding body when it has been detected that imaging-capturing section being used (paragraphs 0005-0009).

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But, Ozaki does not expressly disclose the portable terminal comprising a selecting section, which selects a camera mode for using the image-capturing section and announcing when detecting the selecting section has selected the camera mode.

Homma et al. teach a portable terminal having both communication mode and camera mode that provides camera state detection and voice announcement (column 2 lines 46-57), which would have been obvious to one of ordinary skill in the art to incorporate the method of Ozaki into the portable terminal of Homma et al. in correspondence to camera state detection, in order protect the privacy of others.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement device of Ozaki into the portable terminal of Homma et al., in order to provide the portable terminal the function to notify surroundings for operating camera mode and prevent privacy from being infringed.

Regarding claim 15, Ozaki and Homma et al. teach a portable terminal as explained in response to claim 9 above, where Homma et al. teach shooting state detection of half-pressed button (column 7 lines 49-60), which would have been obvious to one of ordinary skill in the art to embed announcement therein to prevent privacy from being infringed before taking a shoot.

Regarding claims 3 and 11, Ozaki and Homma et al. teach the limitations of claims 1 and 9. Ozaki and Homma et al. teach the announcement sound is outputted from one of a speaker for announcing incoming-calls or an ear speaker since the speaker of the portable terminal is the only available sound-outputting device.

Regarding claim 4, Ozaki and Homma et al. teach the limitation of claim 1.

Homma et al. also teach in the camera mode, the output of the announcement sound is stopped while recording an image captured by the image-capturing section (column 4 lines 34-35), which would have been obvious to one of ordinary skill in the art to recognize preventing disturbance during image capture.

Regarding claims 6 and 14, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

Ozaki and Homma et al. teach the control section restricts the output level of the predetermined announcement sound to a fixed output level, where would have been obvious to one of ordinary skill in the art to recognize that output level of speaker in the portable terminal is inherently set.

Regarding claims 8 and 16, Ozaki and Homma et al. teach the limitations of claims 7 and 15.

Homma et al. teach detecting whether a button being fully-pressed (column 7 lines 49-60), which would have been obvious to one of ordinary skill in the art to modify the announcement of Ozaki and Homma et al. into outputting another announcement at detecting button being fully-pressed, in order to provide effective announcement twice to alarm others.

Regarding claim 12, Ozaki and Homma et al. teach the limitation of claim 9.

Ozaki and Homma et al. teach further comprising a recording section which records an image input via the image-capturing section, wherein the control section judges whether the recording section is recording an image (paragraphs 0005-0009 of Ozaki), and controls the sounding body

so as to stop the output of the predetermined announcement sound while the recording section is recording (column 4 lines 34-35 of Homma et al.), which would have been obvious to one of ordinary skill in the art to recognize preventing disturbance during image capture.

3. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Ogino (JP11-168646). Regarding claim 2 and 10, Ozaki and Homma et al. teach the limitations of claims 1 and 9. But, Ozaki and Homma et al. do not expressly disclose comprising a timing section which measure time, wherein the timing section outputs a signal each time a fixed period of time elapses after it was detected that the selection section has selected the camera mode, and wherein the control section causes the sounding body to output the predetermined announcement sound whenever the signal is output from the timing section.

Ogino teaches a photographic device having a timing device and carrying out periodic voice generation (paragraph 0026).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate periodic voice generation in photographic device taught by Ogino into the modified method and device of Ozaki and Homma et al., in order to provide noticeable announcement.

4. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Chen (US Patent#5530432).

Regarding claims 5 and 13, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

But, Ozaki and Homma et al. do not expressly disclose the announcement sound is output only in a case where the luminance around the portable terminal is less than a predetermined brightness.

Chen teaches an alarm device output sound in a case where the luminance around it is less than a predetermined brightness (column 1 lines 6-11), which would have been obvious to one of

ordinary skill in the art to incorporate and program into the modified device of Ozaki and Homma et al. in alarming others to notice possible hidden camera.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate luminous intensity measuring means in an alarm device taught by Chen into the modified method and device of Ozaki and Homma et al., in order to detect hidden-cam scenario and alarm to prevent privacy from being infringed.

Conclusion

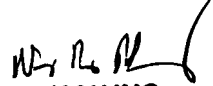
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
May 15, 2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER